

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

MARCUS JUDE COMEAUX

CIVIL ACTION NO. 13-cv-0768

VERSUS

JUDGE RICHARD T. HAIK

MICHAEL W. NEUSTROM ET AL

MAGISTRATE JUDGE PATRICK J. HANNA

SCHEDULING ORDER

The following case-specific deadlines are hereby set in accordance with Rule 16(b) FED.R.CIV.P.:

JURY TRIAL: September 08, 2014 at 9:30AM in Lafayette before Judge
RICHARD T. HAIK

PRETRIAL CONFERENCE: August 12, 2014 at 3:30 P.M. in Lafayette before Judge
RICHARD T. HAIK

PRETRIAL DEADLINES: FOR:

- | | |
|---|--|
| 12/26/2013
<i>21 days from S.O.</i> | 1. Initial Disclosures. See FED.R.CIV.P. 26 (a)(1).
Under Rule 26(a)(1), "[a]ny party first served or otherwise joined after the Rule 26(f) conference must make these disclosures within 30 days after being served or joined." |
| 1/9/2014
<i>35 days from S.O.</i> | 2. Rule 26(f)Conference of Parties. See FED.R.CIV.P. 26(f). <i>Note: No discovery may take place before the conference absent agreement of the parties or court order.</i> FED.R.CIV.P. 26(d)(1). |
| 1/23/2014
<i>49 days from S.O.</i> | 3. Rule 26(f) Report to Court. Format available at www.lawd.uscourts.gov and FED.R.CIV.P. 26(f). |
| 4/14/2014
<i>120 days before PTC</i> | 4. Joinder of Parties and Amendment of Pleadings. See FED.R.CIV.P. 14 and 15. |
- Plaintiff's Expert Info/Reports.** See FED.R.CIV.P. 26(a)(2)(B).
Counsel are cautioned that experts will not be allowed to testify to material not contained within their reports

Within 5 days of receipt

5. **Furnishing copies of reports of treating physicians.**

5/14/2014

90 days before PTC

6. **Phase I Discovery Deadline**

"Phase I discovery" is the deadline for all discovery except that relates to the reliability or relevance of electronically generated exhibits or aids. *Production* of all such exhibits and aids is due by the Phase I deadline. *For a definition of Electronically Generated Exhibits or Aids see Phase II Discovery below.*

Dispositive Motions*

Defendant's Expert Reports. *See* FED.R.CIV.P. 26(a)(2)(B).

Counsel are cautioned that experts will not be allowed to testify to material not contained within their reports

6/13/2014

60 days before PTC

7. **Phase II Discovery**

Phase II discovery includes only discovery related to electronically generated exhibits or aids.

Production of Electronically Generated Exhibits or Aids.

"Electronically generated exhibits or aids" refers to any exhibit or demonstrative aid for use at trial which is created in whole or in part with the aid of computer software. Any party intending to use such an exhibit must allow opposing counsel to examine the exhibit or a copy thereof and all underlying assumptions and/or software, on or before the deadline.

6/23/2014

50 days before PTC

8. **Daubert Motions***

"Daubert Motions" refers to motions in limine or other challenges to expert testimony and exhibits or demonstrative aids based upon such testimony on grounds that they are not relevant or reliable under the standards set forth in Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 113 S.Ct.2786, 125 L.Ed.2d 469 (1993) and Kumho Tire Co., Ltd. v. Carmichael, 526 U.S. 137, 119 S.Ct. 1167, 143 L.Ed.2d 238 (1999). This deadline applies to motions challenging the use of electronically generated exhibits and aids.

7/23/2014

20 days before PTC

9. **Motions in Limine.***

7/23/2014

20 days before PTC

10. **Meeting of Counsel to Complete Pretrial Order.** *Meeting must include all TRIAL counsel, but may be by telephone unless otherwise ordered by court. Signatures may be original or by fax after review.*

Expert Depositions.

8/5/2014
7 days before PTC

11. **Pretrial Order to be Filed with Clerk.*** Format available at www.lawd.uscourts.gov and FED.R.CIV.P. 26(a)(3).

9/2/2014
7 days before Trial

12. **CD ROM Exhibits**
In cases where exhibits are to be presented by CD Rom, the CD must be delivered to the Clerk. Please refer to the Electronic Courtroom section of the Rule 26(f) Report, as well as the "Guidelines for Submission of Exhibits on CD ROM" posted on our website, at <http://www.lawd.uscourts.gov/> or obtain a copy from the clerk's office.

If you have any questions, please contact the Electronic Courtroom Coordinator for the Western District of Louisiana, at (337) 593-5006 or the judge's courtroom deputy.

9/2/2014
7 days before Trial

13. **Real Time Glossary**
The real time glossary shall be delivered to the court reporter. The glossary shall contain all "key word indexes" from all depositions taken in the case, all witness lists, exhibit lists and copies of all expert reports. Please see example of a Real Time Glossary on our web site at www.lawd.uscourts.gov.

All matters marked with an asterisk (*) or which are filed within 30 days of the Pretrial Conference or thereafter, or which otherwise require the court's IMMEDIATE attention, must be provided under separate cover to the chambers of Judge RICHARD T. HAIK, 800 Lafayette St., Suite 4200, Lafayette, LA 70501.

All time deadlines in this Order are case-specific and will override the time deadlines for the same matter as found in the applicable Federal Rules of Civil Procedure. All other deadlines within the Federal Rules of Civil Procedure shall govern this case and shall be enforced by this Court.

The Court shall enforce Rule 30, particularly Rule 30(a)(2)(A) (ten-deposition rule) and 30(d)(2) (depositions normally limited to one day/7 hours), absent written stipulation of the parties or court order. The Court shall enforce Rule 26, unless changed by this case specific order or subsequent court order.

Lead counsel/trial counsel must be present at all proceedings where the Court will participate (including telephone conferences) unless prior permission is obtained by the Court.

Lafayette, Louisiana, this 5th day of December, 2013.

BY DIRECTION OF THE COURT
TONY R. MOORE, CLERK

BY: s/ Paula S. Jordan
Deputy Clerk